

Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: January 5, 2011

Electronic Signature for Christopher J. Stow: /Christopher J. Stow /

Docket No.: 22956-235
(MIT-5023)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander M. Harmon et al.

Application No.: 10/729,046

Confirmation No.: 9312

Filed: December 5, 2003

Art Unit: 3774

For: **VIALE TISSUE REPAIR IMPLANTS AND
METHODS OF USE**

Examiner: A. J. Stewart

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97(i), Applicants hereby make of record the reference listed in the attached PTO SB/08.

The listed reference was previously cited in an Information Disclosure Statement filed on June 29, 2005. In an Office Action mailed December 19, 2005, the Examiner enclosed a PTO Form 1449 dated December 12, 2005, which indicated that this reference was considered. However, in a Notice of Allowance mailed June 15, 2010, the Examiner enclosed a PTO Form 1449 dated April 6, 2010 in which this reference was crossed off for lack of a date. Applicants re-cite this reference in the attached PTO SB/08.

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that

the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

This Supplemental Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicants hereby petition that the Supplemental Information Disclosure Statement be considered.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed reference.

The Director is hereby authorized to charge any deficiency in the fees filed with this paper, asserted to be filed with this paper, or which should have been filed with this paper to our Deposit Account No. 141449, under Client/Matter No. 022956-0235.

Dated: January 5, 2011

Respectfully submitted,

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